

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2012**

***ROUGH DRAFT  
JOURNAL***

**SEVENTEENTH DAY  
FEBRUARY 13, 2012**

**OFFICE OF THE CHIEF CLERK**

*g*

*All Mini and Rough Draft Journals are provided as an informational service only and are not intended to replace the permanent bound version of the House Journal which is the official certified record. The daily Mini Journals and Rough Draft Journals are subject to correction and approval, and should not be relied upon, quoted or cited as an official record.*

*The **Mini Journal** is produced for each legislative day and shows all action which took place on the Chamber Floor, including all bills and resolutions introduced, referrals, readings, all motions and votes, and Governor's Messages and other Communications. The Mini Journal does not include verbatim floor remarks or announcements made.*

*The Mini Journal is generally available the next legislative day following each day's session and may be obtained at the House Printshop.*

*The **Rough Draft Journal** includes verbatim floor remarks, written remarks, announcements and introductions made on the Chamber Floor. Copies of the Rough Draft Journal may be obtained at the House Printshop as they become available.*

*The **Mini Journal** and **Rough Draft Journal** may also be obtained at the House of Representatives section of the legislative website. [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)*

*The **bound version of the House Journal** is the official certified record of the proceedings of the House of Representatives. Once certified, the official permanent record is published and bound after the close of the Regular or Special Session of the Legislature.*

## SEVENTEENTH DAY

Monday, February 13, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:06 o'clock p.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Kahu Kordell C.L. Kekoa of the Kamehameha Schools Bishop Memorial Chapel, after which the Roll was called showing all Members present with the exception of Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixteenth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 14 through 18) were received and announced by the Clerk:

Sen. Com. No. 14, transmitting H.B. No. 238, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," which passed Third Reading in the Senate on February 10, 2012.

Representative Chong moved to disagree to the amendments made by the Senate to the following House Bill, seconded by Representative Evans and carried: (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

H.B. No. 238, HD 2, (SD 1)

Sen. Com. No. 15, transmitting S.B. No. 2058, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE INSTITUTED BY WRITTEN INFORMATION," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 16, transmitting S.B. No. 2062, SD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 17, transmitting S.B. No. 2218, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RESIDENCY REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE," which passed Third Reading in the Senate on February 10, 2012.

Sen. Com. No. 18, transmitting S.B. No. 2712, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on February 10, 2012.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representative Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

S.B. No. 2058, SD 1  
S.B. No. 2062, SD 1  
S.B. No. 2218, SD 1  
S.B. No. 2712

## DEPARTMENTAL COMMUNICATIONS

The following departmental communication (Dept. Com. No. 69) was received by the Clerk and was placed on file:

Dept. Com. No. 69, dated February 8, 2012, from Rodney A. Maile, Administrative Director of the Courts, The Judiciary, State of Hawaii, transmitting The Judiciary's 2011 Annual Report Statistical Supplement, pursuant to Section 601-3, HRS.

## INTRODUCTIONS

The following introduction was made to the Members of the House:

Representative Brower introduced the travel and tourism students of Hawaii Pacific University.

At 12:12 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

## ORDER OF THE DAY

## REPORTS OF STANDING COMMITTEES

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 289-12) recommending that H.B. No. 2505, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 290-12) recommending that H.B. No. 2636, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2636, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATION RECORDS," passed Second Reading and was referred to the Committee on Judiciary, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 291-12) recommending that H.B. No. 2552, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2552, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

Representative Johanson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. Thank you. I think no one disagrees with the intent of this measure and I'm sure we all support the DCAB special fund. What I would just ask that we consider as a Body as it goes on to the next Committee that if it is indeed a priority, the \$1 instead of being an extra additive on to the already rather large increase we had last Session, just be taken out of the existing \$45 fees as opposed to adding an extra dollar just to fund this very important thing. Thank you very much, Mr. Speaker."

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Johanson be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Fontaine rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations and asked that the remarks of Representative Johanson be entered into the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ward rose to speak in support of the measure with reservations, stating:

"Reservations, and to note that the \$45 was just increased last year, which almost doubled it. So, I think there's some momentum of seeding the treasury to take one dollar as the Representative on our side had just mentioned."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Riviere rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2552, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 292-12) recommending that H.B. No. 1942, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 293-12) recommending that H.B. No. 1556, as amended in HD 1, be recommitted to the Committee on Culture & the Arts.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1556, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," was recommitted to the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Wooley, for the Committee on Culture & the Arts presented a report (Stand. Com. Rep. No. 294-12) recommending that H.B. No. 1557, as amended in HD 1, be recommitted to the Committee on Culture & the Arts.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1557, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE," was recommitted to the Committee on Culture & the Arts, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 295-12) recommending that H.B. No. 280, as amended in HD 1, be recommitted to the Committee on Agriculture.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 280, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was recommitted to the Committee on Agriculture, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 296-12) recommending that H.B. No. 2438, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 296-12 on H.B. No. 2438, HD 2, was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2438, HD 2, were made available to the Members of the House.

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Third Reading by consent calendar. (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

### REPORTS OF STANDING COMMITTEES

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 297-12) recommending that H.B. No. 2437, HD 1, pass Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2437, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

Representative Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 298-12) recommending that H.B. No. 2096, HD 1, pass Third Reading.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2096, HD 1, pass Third Reading, seconded by Representative Evans.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. I'd like to express a reservation on Committee Report 298. I generally favored this bill. We're very happy to see that the unemployment insurance rate will kept at the Schedule F rate and it will certainly help our businesses and keep our people at work. It will help our job creation.

"My reservations go to raising our average weekly wage to 75%. This is only temporary from April through the end of the year. But 75% is already very generous if you're collecting unemployment compensation, and then at the end of the year it's very difficult to lower it again. So I don't think it's a wise idea to raise the average weekly rate percentage because it further drains our unemployment insurance fund. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey being excused.

At 12:30 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 2437, HD 1  
H.B. No. 2096, HD 1

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 26) and concurrent resolution (H.C.R. No. 47) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION EXPRESSING CONTINUED SUPPORT FOR THE PROHIBITION OF GAMBLING IN HAWAII, AS RECOMMENDED BY THE 2011 HAWAII SECONDARY STUDENT CONFERENCE," was jointly offered by Representatives Manahan, Aquino and Cullen.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING CONTINUED SUPPORT FOR THE PROHIBITION OF GAMBLING IN HAWAII, AS RECOMMENDED BY THE 2011 HAWAII SECONDARY STUDENT CONFERENCE," was jointly offered by Representatives Manahan, Aquino and Cullen.

#### ANNOUNCEMENTS

##### COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1454	Committee on Finance
1557	Committee on Culture & the Arts
1557, HD1	Jointly to the Committee on Culture & the Arts and the Committee on Hawaiian Affairs and the Committee on Education; then to the Committee on Finance

#### ADJOURNMENT

At 12:30 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 14, 2012. (Representatives Cabanilla, Carroll, C. Lee, M. Lee and McKelvey were excused.)

#### HOUSE COMMUNICATIONS

House Communication dated February 13, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House Bill:

H.B. No. 238, HD 2, SD 1